

Robert S. Westermann (VSB No. 43294)
Brittany B. Falabella (VSB No. 80131)
Kollin G. Bender (VSB No. 98912)
HIRSCHLER FLEISCHER, P.C.
The Edgeworth Building
2100 East Cary Street
Post Office Box 500
Richmond, Virginia 23218-0500
Telephone: 804.771.9500
Facsimile: 804.644.0957
E-mail: rwestermann@hirschlerlaw.com
bfalabella@hirschlerlaw.com
kbender@hirschlerlaw.com

David I. Swan (VSB No. 75632)
Allison P. Klena (VSB No. 96400)
HIRSCHLER FLEISCHER, P.C.
1676 International Drive, Suite 1350
Tysons, Virginia 22102
Telephone: 703.584.8900
Facsimile: 703.584.8901
E-mail: dswan@hirschlerlaw.com
aklena@hirschlerlaw.com

*Counsel for Richard Arrowsmith, Liquidating
Trustee of the HDL Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**HEALTH DIAGNOSTIC LABORATORY,
INC., *et al.*,**

Debtors.¹

Chapter 11

Case No.: 15-32919-KRH

Jointly Administered

**AMENDED PROPOSED AGENDA FOR HEARINGS SCHEDULED FOR
SEPTEMBER 24, 2024 AT 2:30 P.M. (PREVAILING EASTERN TIME)²**

I. STATUS UPDATES

1. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. LaTonya S. Mallory, *et al.*, Adversary Proceeding Case No. 16-03271 (the “**D&O Action**”) and related matters

2. In re Blue Eagle Farming, LLC, *et al.*, Case No. 18-02395-TOM11 (Bankr. N.D. Ala.) (the “**Johnson Bankruptcy Proceeding**”) and related matters

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

² Attached hereto as **Exhibit A** is a redline reflecting the changes from the Proposed Agenda filed on September 19, 2024 [Docket No. 5918].

II. MATTERS IN RELATED ADVERSARY PROCEEDINGS

3. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Christian Life Assembly of Columbia, South Carolina, Inc. d/b/a Christian Life Church and South Carolina School of Leadership - Adversary Proceeding Case No. 22-03020

3.1 Defendant's Motion to Stay the Judgment Pending Appeal [Docket No. 116] (the "**Motion**")

Related Documents:

(a) Notice of Appeal [Docket No. 114]

(b) Brief in Support of Defendant's Motion [Docket No. 117]

(c) Order Setting Hearing [Docket No. 120]

(d) Order Setting Evidentiary Hearing [Docket No. 139]

(e) Notice of Voluntary Dismissal with Prejudice [Docket No. 24 in 3:24-cv-00475, E.D. Va. District Court]

Response:

(a) Liquidating Trustee's Response in Opposition to Defendant's Motion [Docket No. 133]

(b) Reply to Liquidating Trustee's Opposition to Motion [Docket No. 135]

Status:

This matter is moot as the underlying appeal is being dismissed with prejudice.

3.2 Liquidating Trustee's Motion for Entry of an Order (A) Granting Leave to Register the Judgment in Another District for Good Cause and (B) Directing that the Certified Judgment be Issued, and Memorandum of Law in Support Thereof [Docket No. 130]

Related Documents:

(a) Letter Requesting Certificate of Judgment [Docket No. 118]

(b) Notice of Liquidating Trustee's Motion and Notice of Hearing [Docket No. 131]

(c) Order Setting Evidentiary Hearing [Docket No. 139]

(d) Notice of Voluntary Dismissal with Prejudice [Docket No. 24 in 3:24-cv-00475, E.D. Va. District Court]

Response:

(a) Opposition to Liquidating Trustee's Motion for Entry of an Order [Docket No. 134]

Status:

This matter is moot as the underlying appeal is being dismissed with prejudice.

III. ADJOURNED GARNISHMENT

4. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Uchenna Christopher Ogbuokiri - Adversary Proceeding Case No. 17-03762

4.1 Garnishment Summons re: Judgment against Uchenna Christopher Ogbuokiri [Docket Item No. 40] (the "**Ogbuokiri Garnishment**")

Related Documents:

(a) Suggestion for Summons in Garnishment to Together Credit Union [Docket No. 39]

(b) Order Granting Default Judgment [Docket No. 13]

(c) Writ of Execution [Docket No. 41]

(d) Certificate of Service [Docket No. 43]

Response:

To date, an Answer has not yet been received from Together Credit Union.

Status:

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for October 29, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time for Together Credit Union to issue an Answer.

IV. ADJOURNED MATTER IN LEAD CASE

5. Tenth Omnibus Objection to Certain (A) 502(d), (B) No Liability Claims, and (C) Unsupported Claim [Docket No. 5097] (the "**Tenth Omnibus Objection**")

Related Documents:

(a) Notice of Motion and Hearing [Docket No. 5098]

Response Deadline: April 27, 2021 at 4:00 p.m. (Prevailing Eastern Time).

Status:

The Tenth Omnibus Objection was granted in accordance with the Order Sustaining Tenth Omnibus Objection as to the No Liability Claims [Docket No. 5180] and the Unsupported Claim [Docket No. 5197]. The Liquidating Trustee requests that the hearing as to the 502(d) Claims be adjourned to the Omnibus Hearing scheduled for October 29, 2024 at 11:00 a.m. (Prevailing Eastern Time).

Dated: September 24, 2024

Respectfully submitted,

/s/ Brittany B. Falabella

Robert S. Westermann (VSB No. 43294)

Brittany B. Falabella (VSB No. 80131)

Kollin G. Bender (VSB No. 98912)

HIRSCHLER FLEISCHER, P.C.

The Edgeworth Building

2100 East Cary Street

Post Office Box 500

Richmond, Virginia 23218-0500

Telephone: 804.771.9515

Facsimile: 804.644.0957

E-mail: rwestermann@hirschlerlaw.com

bfalabella@hirschlerlaw.com

kbender@hirschlerlaw.com

David I. Swan (VSB No. 75632)

Allison P. Klena (VSB No. 96400)

HIRSCHLER FLEISCHER, P.C.

1676 International Drive, Suite 1350

Tysons, Virginia 22102

Telephone: 703.584.8900

Facsimile: 703.584.8901

E-mail: dswan@hirschlerlaw.com

aklena@hirschlerlaw.com

*Counsel for Richard Arrowsmith,
Liquidating Trustee of the HDL Liquidating Trust*

EXHIBIT A

[Robert S. Westermann \(VSB No. 43294\)](#)
[Brittany B. Falabella \(VSB No. 80131\)](#)
[Kollin G. Bender \(VSB No. 98912\)](#)
[HIRSCHLER FLEISCHER, P.C.](#)
[The Edgeworth Building](#)
[2100 East Cary Street](#)
[Post Office Box 500](#)
[Richmond, Virginia 23218-0500](#)
[Telephone: 804.771.9500](#)
[Facsimile: 804.644.0957](#)
[E-mail: \[rwestermann@hirschlerlaw.com\]\(mailto:rwestermann@hirschlerlaw.com\)](#)
bfalabella@hirschlerlaw.com
kbender@hirschlerlaw.com

[David I. Swan \(VSB No. 75632\)](#)
[Allison P. Klena \(VSB No. 96400\)](#)
[HIRSCHLER FLEISCHER, P.C.](#)
[1676 International Drive, Suite 1350](#)
[Tysons, Virginia 22102](#)
[Telephone: 703.584.8900](#)
[Facsimile: 703.584.8901](#)
[E-mail: \[dswan@hirschlerlaw.com\]\(mailto:dswan@hirschlerlaw.com\)](#)
aklena@hirschlerlaw.com

[*Counsel for Richard Arrowsmith, Liquidating
Trustee of the HDL Liquidating Trust*](#)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**HEALTH DIAGNOSTIC LABORATORY,
INC., *et al.*,**

Debtors.¹

Chapter 11

Case No.: 15-32919-KRH

Jointly Administered

**AMENDED PROPOSED AGENDA FOR HEARINGS SCHEDULED FOR
SEPTEMBER 24, 2024 AT 2:30 P.M. (PREVAILING EASTERN TIME)²**

I. STATUS UPDATES

1. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. LaTonya S. Mallory, *et al.*, Adversary Proceeding Case No. 16-03271 (the “**D&O Action**”) and related matters

2. In re Blue Eagle Farming, LLC, *et al.*, Case No. 18-02395-TOM11 (Bankr. N.D. Ala.) (the “**Johnson Bankruptcy Proceeding**”) and related matters

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

² Attached hereto as **Exhibit A** is a redline reflecting the changes from the Proposed Agenda filed on September 19, 2024 [Docket No. 5918].

II. MATTERS IN RELATED ADVERSARY PROCEEDINGS

3. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Christian Life Assembly of Columbia, South Carolina, Inc. d/b/a Christian Life Church and South Carolina School of Leadership - Adversary Proceeding Case No. 22-03020

3.1 Defendant's Motion to Stay the Judgment Pending Appeal [Docket No. 116] (the "Motion")

Related Documents:

(a) Notice of Appeal [Docket No. 114]

(b) Brief in Support of Defendant's Motion [Docket No. 117]

(c) Order Setting Hearing [Docket No. 120]

(d) Order Setting Evidentiary Hearing [Docket No. 139]

[\(e\) Notice of Voluntary Dismissal with Prejudice \[Docket No. 24 in 3:24-cv-00475, E.D. Va. District Court\]](#)

Response:

(a) Liquidating Trustee's Response in Opposition to Defendant's Motion [Docket No. 133]

(b) Reply to Liquidating Trustee's Opposition to Motion [Docket No. 135]

Status:

~~Defendant had indicated that it will provide a letter of credit in the principal amount of the Judgment plus one year of interest, but counsel for the Defendant has not yet provided the proposed letter of credit or a proposed order resolving the Motion to the Liquidating Trustee for review. Pursuant to the Order Setting Evidentiary Hearing, the Defendant was directed to provide the Liquidating Trustee with any evidence it will introduce at the evidentiary hearing by September 17, 2024. No evidence has been provided to the Liquidating Trustee. Unless the Motion is resolved with an agreed form of letter of credit and consent order, this matter is going forward.~~

[This matter is moot as the underlying appeal is being dismissed with prejudice.](#)

3.2 Liquidating Trustee's Motion for Entry of an Order (A) Granting Leave to Register the Judgment in Another District for Good Cause and (B) Directing that the Certified Judgment be Issued, and Memorandum of Law in Support Thereof [Docket No. 130]

Related Documents:

- (a) Letter Requesting Certificate of Judgment [Docket No. 118]
- (b) Notice of Liquidating Trustee's Motion and Notice of Hearing [Docket No. 131]
- (c) Order Setting Evidentiary Hearing [Docket No. 139]
- (d) [Notice of Voluntary Dismissal with Prejudice \[Docket No. 24 in 3:24-cv-00475, E.D. Va. District Court\]](#)

Response:

- (a) Opposition to Liquidating Trustee's Motion for Entry of an Order [Docket No. 134]

Status:

~~This matter was partially granted at the Omnibus Hearing on July 23, 2024 and to the extent the Motion in item 3.1 is going forward, this matter is going forward for final hearing on the Liquidating Trustee's authority to enforce and/or execute on his Judgment.~~

[This matter is moot as the underlying appeal is being dismissed with prejudice.](#)

III. ADJOURNED GARNISHMENT

4. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Uchenna Christopher Ogbuokiri - Adversary Proceeding Case No. 17-03762

4.1 Garnishment Summons re: Judgment against Uchenna Christopher Ogbuokiri [Docket Item No. 40] (the "**Ogbuokiri Garnishment**")

Related Documents:

- (a) Suggestion for Summons in Garnishment to Together Credit Union [Docket No. 39]
- (b) Order Granting Default Judgment [Docket No. 13]
- (c) Writ of Execution [Docket No. 41]
- (d) Certificate of Service [Docket No. 43]

Response:

To date, an Answer has not yet been received from Together Credit Union.

Status:

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for October 29, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time for Together Credit Union to issue an Answer.

IV. ADJOURNED MATTER IN LEAD CASE

5. Tenth Omnibus Objection to Certain (A) 502(d), (B) No Liability Claims, and (C) Unsupported Claim [Docket No. 5097] (the “**Tenth Omnibus Objection**”)

Related Documents:

(a) Notice of Motion and Hearing [Docket No. 5098]

Response Deadline: April 27, 2021 at 4:00 p.m. (Prevailing Eastern Time).

Status:

The Tenth Omnibus Objection was granted in accordance with the Order Sustaining Tenth Omnibus Objection as to the No Liability Claims [Docket No. 5180] and the Unsupported Claim [Docket No. 5197]. The Liquidating Trustee requests that the hearing as to the 502(d) Claims be adjourned to the Omnibus Hearing scheduled for October 29, 2024 at 11:00 a.m. (Prevailing Eastern Time).

| Dated: September ~~19~~24, 2024

Respectfully submitted,

/s/ Brittany B. Falabella

Robert S. Westermann (VSB No. 43294)

Brittany B. Falabella (VSB No. 80131)

Kollin G. Bender (VSB No. 98912)

HIRSCHLER FLEISCHER, P.C.

The Edgeworth Building

2100 East Cary Street

Post Office Box 500

Richmond, Virginia 23218-0500

Telephone: 804.771.9515

Facsimile: 804.644.0957

E-mail: rwestermann@hirschlerlaw.com

bfalabella@hirschlerlaw.com

kbender@hirschlerlaw.com

David I. Swan (VSB No. 75632)

Allison P. Klena (VSB No. 96400)

HIRSCHLER FLEISCHER, P.C.
1676 International Drive, Suite 1350
Tysons, Virginia 22102
Telephone: 703.584.8900
Facsimile: 703.584.8901
E-mail: dswan@hirschlerlaw.com
aklena@hirschlerlaw.com

*Counsel for Richard Arrowsmith,
Liquidating Trustee of the HDL Liquidating Trust*